

Exhibit 25

**Excerpts of Eric Quitugua
Deposition Transcripts**

Eric Quitugua
9/17/2024

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) 5 COMMISSION,) 6 Plaintiff,) 7) Case No. 8 vs.) 23-cv-9518-PAE 9) 10 SOLARWINDS CORP. and) 11 TIMOTHY G. BROWN,) 12) 13 Defendants.) 14 _____) 15 16 17 18 19 20 21 22 23 24 25</p> <p>VIDEOTAPED DEPOSITION OF ERIC QUITUGUA Austin, Texas Tuesday, September 17, 2024</p> <p>Reported by: Micheal A. Johnson, RDR, CRR Job No. 240917MJ</p> <p>1</p>	<p>1 APPEARANCES: 2 ON BEHALF OF PLAINTIFF: 3 U.S. SECURITIES AND EXCHANGE COMMISSION 4 BY: John J. Todor 5 Kristen M. Warden 6 Christopher J. Carney 7 Lory C. Stone (Via Zoom) 8 Christopher M. Bruckmann (Via Zoom) 9 100 F Street, NE 10 Washington, D.C. 20549 11 (202) 256-7941 12 todorj@sec.gov 13 wardenk@sec.gov 14 carneyc@sec.gov 15 stonel@sec.gov 16 bruckmann@sec.gov 17 18 ON BEHALF OF DEFENDANTS 19 SOLAR WINDS CORP. AND TIMOTHY G. BROWN: 20 21 LATHAM & WATKINS LLP 22 BY: Serrin Turner 23 Nicolas Luongo 24 1271 Avenue of the Americas 25 New York, New York 10020 (212) 906-1330 serrin.turner@lw.com nicolas.luongo@lw.com ON BEHALF OF DEFENDANT TIMOTHY G. BROWN: KING & SPALDING LLP BY: Michael J. Biles (Via Zoom) 500 West 2nd Street, Suite 1800 Austin, Texas 78701 (512) 457-2051 mbiles@kslaw.com</p> <p>3</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF NEW YORK 3 4 SECURITIES AND EXCHANGE) 5 COMMISSION,) 6 Plaintiff,) 7) Case No. 8 vs.) 23-cv-9518-PAE 9) 10 SOLARWINDS CORP. and) 11 TIMOTHY G. BROWN,) 12) 13 Defendants.) 14 _____) 15 16 17 18 19 20 21 22 23 24 25</p> <p>Videotaped Deposition of ERIC QUITUGUA, taken on behalf of Plaintiff, at Latham & Watkins, LLP, 300 Colorado Street, Suite 2400, Austin, Texas, beginning at 9:08 a.m. and ending at 7:16 p.m. on September 17, 2024, before Micheal A. Johnson, a Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public of the State of Texas.</p> <p>2</p>	<p>1 APPEARANCES (CONTINUED): 2 ALSO PRESENT: 3 Becky Melton 4 Laurie Hakes 5 6 VIDEOGRAPHER: 7 Timothy Desadier 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>4</p>

<p>1 A. My contributions to this particular were 2 to highlight any areas, like what I just described 3 earlier, our team's role, right. If there was any 4 vulnerability trends, incident response trends, end 5 point security trends, soliciting that feedback back 6 to the input for the document. 7 BY MR. TODOR: 8 Q. So it talks about security and compliance 9 incident. Was your team the security part? 10 A. Generally, yes. 11 Q. Turning your attention to the third page 12 of the document with Bates ending 6516. At the top 13 it says DevOps and IT leadership team. 14 Do you see that? 15 A. Yes, I do. 16 Q. And it looks like your name is second 17 down on the right in the right-most column. Does 18 that -- looks like you are under Mr. Brown and looks 19 like a Kellie Pierce is also -- is she under you or 20 is she under Mr. Brown as well directly? 21 A. She would have been under Mr. Brown 22 directly. 23 Q. And is that -- does this chart accurately 24 reflect your understanding of what the leadership 25 structure of the DevOps and IT leadership team was</p> <p>37</p>	<p>1 Q. What do you mean by a security baseline? 2 A. To get a -- it's a review of specific 3 security controls and how teams, groups, the 4 organization within the company adhere to those 5 guidelines or controls or not. 6 Q. Was this in connection with the NIST 7 cybersecurity framework guidelines? 8 A. Specific to the scorecard data? 9 Q. Yes. 10 A. I would say yes. 11 Q. Do you have an understanding as to why 12 SolarWinds was performing self-assessments in this 13 2018 to 2020 time frame as reflected in scorecards 14 like this one? 15 A. I could say that we were always looking 16 to improve the different cybersecurity processes, 17 shore up the cybersecurity program, make 18 improvements in areas where we identified areas of 19 opportunity to improve. 20 Q. Turning your attention back to the 2018 21 time frame, did there come a point where you spoke 22 with Mr. Brown about the need to do self-assessments 23 such as this one to determine whether SolarWinds was 24 meeting the security baseline as you were saying? 25 MR. TURNER: Objection to form.</p> <p>39</p>
<p>1 as of June 2020? 2 A. For the security team, I could say that 3 that is accurate. 4 Q. And the individuals you mentioned who 5 reported to you, those weren't here -- I guess 6 they're not leadership, but they would be under you 7 day-to-day? 8 A. Yes, they would be under me day-to-day. 9 Q. Could you please turn your attention to 10 the next page of the document ending in 6517. And 11 it's marked SolarWinds Scorecard. 12 Have you worked on documents similar to 13 this one in your work at SolarWinds? 14 MR. TURNER: Objection to form. 15 A. Are you asking if I worked on this 16 particular one specifically or -- 17 BY MR. TODOR: 18 Q. I'm asking generally have you worked on 19 scorecards for SolarWinds security during your time 20 in the 2018 to 2020 time frame? 21 A. I can -- I recall that I worked on 22 several self-assessments or security assessments. 23 Q. What did you understand to be the purpose 24 of the security assessments? 25 A. To establish a security baseline.</p> <p>38</p>	<p>1 A. Tim and I always had ongoing 2 conversations about how to improve the security 3 program. There wasn't one, like, defining moment or 4 specific instance where we said this needed to be 5 done. I think over time we recognized that there 6 were opportunities to improve various parts of the 7 program, whether it be vulnerability management, end 8 point security, auditing and logging. 9 BY MR. TODOR: 10 Q. Turning your attention back to, again, 11 the 2018 time frame, were there particular issues 12 that you had in mind that these were places where 13 SolarWinds' security program could stand to be 14 improved? 15 A. No pervasive issues. There were things 16 that, again, when we talk about security incidents 17 or reports of, you know, a phishing e-mail or 18 something like that, we had processes in place to 19 deal with it depending on the severity level, right. 20 So again, nothing specific concern, but 21 we generally talked about how can we continuously 22 improve over time. 23 Q. Were there certain issues where -- it's 24 like looking at this chart, start at 2017, you have 25 2018, 2019, 2020. Most of the numbers seem to go up</p> <p>40</p>

<p>1 A. But again, I don't recall the timing of 2 when we added the CVSS scores into the Trust Center. 3 BY MR. TODOR: 4 Q. Is Mr. Brown the manager responsible for 5 the Trust Center? 6 MR. TURNER: Objection, foundation. 7 A. I don't know if he was the manager of the 8 Trust Center. 9 BY MR. TODOR: 10 Q. Do you know anyone other than Mr. Brown 11 at SolarWinds who would have responsibility for the 12 Trust Center? 13 MR. TURNER: Same objection. 14 A. I don't know. 15 BY MR. TODOR: 16 Q. At some point in the 2018 -- or 2017 to 17 2020 time frame, did SolarWinds perform any internal 18 cybersecurity assessments? 19 A. Could you describe for me what you mean 20 by "internal cybersecurity assessments"? 21 Q. Do you have an understanding of the term 22 "internal cybersecurity assessment"? 23 A. Yes, I do have an understanding of what a 24 cybersecurity assessment is. 25 Q. Did SolarWinds perform any of those in</p> <p style="text-align: center;">189</p>	<p>1 Q. Was the intent to identify a baseline and 2 then identify areas for improvement? 3 A. Generally, yes. 4 Q. You say "generally." What other purposes 5 would there be? 6 A. There could be many reasons to establish 7 a baseline, but for, you know, what I was looking to 8 do was set a starting point at which we identify, 9 again, like, a point in time of where we were as an 10 organization when it came down to adhering to a 11 security control framework. 12 Q. You'll be presented with a document which 13 will be labeled Quitugua Exhibit 11. 14 (Deposition Exhibit 11 marked for 15 identification.) 16 BY MR. TODOR: 17 Q. And this is a document 18 Bates SW-SEC0035067 with a attachment that does not 19 appear to be Bates labeled. Appears to be an e-mail 20 from you dated August 9th, 2017, to Mr. Brown, 21 subject, SWI security program assessment. 22 Please tell me if you recognize this 23 document. Take what time you need to familiarize 24 yourself with it. 25 (Witness reviews document.)</p> <p style="text-align: center;">191</p>
<p>1 the 2017 to 2020 time frame? 2 A. I recall, yes. 3 Q. Okay. Why did SolarWinds do that? 4 MR. TURNER: Objection to the form of 5 the question. 6 A. Could you please repeat? I'm not sure. 7 BY MR. TODOR: 8 Q. Why did SolarWinds do that? 9 MR. TURNER: Object to the vague 10 reference in the question. 11 A. I don't recall SolarWinds as an 12 organization doing a security assessment. I do 13 recall that I worked on a security assessment. 14 BY MR. TODOR: 15 Q. What was your understanding of the reason 16 why you were working on a security assessment? 17 A. As part of managing the security program, 18 I felt that we should establish some kind of 19 baseline to work off of so that we could generate 20 some kind of roadmap on improving the security 21 program, you know, moving forward. 22 Q. What do you mean by "baseline"? 23 A. So when I describe the baseline, it's 24 really a starting point so that we know where we 25 are, current state, at a point in time.</p> <p style="text-align: center;">190</p>	<p>1 A. Yes, I am familiar with the document. 2 BY MR. TODOR: 3 Q. What is it? 4 A. It is a framework used by CIS, which is 5 Center For Internet Security, the top 20 critical 6 security controls. 7 Q. The text in the e-mail states: Here is 8 my assessment of the state of our security program 9 here at SWI with my assessment based on the CIS top 10 20 critical security controls mapped to the NIST 11 cybersecurity framework. 12 Do you see that? 13 A. I do. 14 Q. Why were you making an assessment of the 15 state of SolarWinds' security program in this 16 document? 17 A. If I recall, the timeline here is when 18 Tim just joined the organization. I had been doing 19 some part of this work previously and I thought as a 20 manager of the program it would be nice for me to 21 provide Tim with some kind of baseline of current 22 state of my own personal assessment of the 23 organization in terms of security control. 24 Q. And was this just kind of giving your new 25 boss a lay of the land of where things stood?</p> <p style="text-align: center;">192</p>

<p>1 A. In general, that was part of the intent, 2 but again, like I said, I was doing this work 3 previously before Tim joined the organization. I 4 used it as an opportunity to set a baseline to 5 describe to Tim what he was coming into and how we 6 could further improve the security program. 7 Q. I won't ask you to get into the specifics 8 since I don't think even with glasses I could read 9 that print that small. 10 A. They're really small. 11 Q. But could you give me a sense of what the 12 analysis you were doing here was and what you were 13 measuring it against? 14 A. So, again, if I -- it's pretty small, but 15 what I can recall is that the CIS benchmarking, it's 16 kind of an industry benchmark, focuses on 20 17 critical security controls. A lot of those controls 18 we see throughout a lot of the other exhibits that 19 we've seen: Access control, vulnerability 20 management, incident response. The CIS benchmark at 21 the time is what I was using to help kind of just 22 set that baseline. 23 Q. If you can turn -- appears to be 24 seventh-from-the-last page in the document. It's a 25 chart that has the word "governance" in vertical on</p> <p style="text-align: center;">193</p>	<p>1 map it as closely as I could to the NIST 2 cybersecurity framework. 3 Q. To your knowledge, was there any previous 4 scorecard of the NIST maturity levels at SolarWinds 5 prior to this document? 6 A. Could you repeat the question, please? 7 Q. To your knowledge, was there any previous 8 scorecard of the NIST maturity levels at SolarWinds 9 prior to this document? 10 A. Not that I can recall. 11 Q. Why did you decide to create the 12 scorecard? 13 A. Again, as I described earlier, it wasn't 14 really even a scorecard, per se. It was more of an 15 assessment. Mapping from the CIS controls over to 16 the NIST cybersecurity framework. Part of that was 17 customers re-asking adherence or how closely we 18 followed the controls as defined by NIST. 19 Q. Did you make your personal judgments as 20 to which of the CIS top 20 controls mapped to the 21 various NIST categories Identify, Protect, Detect 22 and so forth? 23 A. I do recall doing some research if there 24 were any other documents out in the public domain on 25 whether -- you know, that describe, Here's how you</p> <p style="text-align: center;">195</p>
<p>1 the left side and then has a column Function, it has 2 Identify, Protect, Detect, Respond and Recover. 3 Can you tell me when you find that, 4 please. 5 A. I'm on that page. 6 Q. Okay. Is this chart something you 7 prepared as part of this review? 8 A. There was a point in time during this 9 time period where I went -- I took the CIS security 10 controls, the top 20 critical controls, and made an 11 attempt to map it to the NIST cybersecurity 12 framework, which is what you see here. 13 Q. Why were you doing that? 14 A. In my experience, again, working with 15 customer questionnaires, a lot of the customers 16 didn't really make the connection with CIS Critical 17 Security Controls. However, they did talk about how 18 do you comply with NIST, do you have controls that 19 address NIST control, you know, number, number, 20 number. 21 And so, again, looking at how to improve 22 our processes and how to address customer questions 23 around our compliance to NIST, I took it upon myself 24 to say, Let me do the mapping internally as best I 25 could, take what I started with the CIS controls and</p> <p style="text-align: center;">194</p>	<p>1 take -- or here's how relevant a CIS benchmark is to 2 the NIST cybersecurity framework. 3 Q. There appear to be some 0 to 5 rankings 4 on the right in the legend for the -- I guess the 5 NIST framework. Did you assign the numbers? Under 6 organization there's scores for, looks like Core IT, 7 MST and monitoring cloud. Do you see that? 8 A. I do see that. 9 Q. Did you come up with the scores? 10 A. I recall, yes, I did. 11 Q. How did you go about that? 12 A. Again, I took -- if you look back -- it's 13 hard to see in this exhibit, but I took what I 14 initially accessed in the CIS control framework for 15 benchmarks and I just copied it and put it here so 16 that I could use this framework as a starting point 17 moving forward. 18 Q. So just looking at this, and then I guess 19 if you look to the next page, next few pages there 20 seems to be, I guess, some controls and 21 subcategories. Is that a correct description of 22 what those are? And the last page is CIS 20 23 Critical Security Controls. I'm just asking 24 generally if that's what those pages are supposed to 25 be.</p> <p style="text-align: center;">196</p>

<p>1 MR. TURNER: Objection to form.</p> <p>2 A. To be clear, what we're seeing in the</p> <p>3 last few pages here with the NIST categories and</p> <p>4 then the subcategories, these are all specific to</p> <p>5 NIST cybersecurity framework.</p> <p>6 BY MR. TODOR:</p> <p>7 Q. And then the CIS controls -- okay. So</p> <p>8 this is --</p> <p>9 A. No.</p> <p>10 Q. So this next page, Identify, is this just</p> <p>11 a description what the NIST controls are?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. Yes.</p> <p>15 Q. And then the last page you have the top</p> <p>16 20 -- CIS 20 critical security controls?</p> <p>17 A. Okay.</p> <p>18 Q. Is that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. And your mapping of those to the NIST</p> <p>21 categories is on that page with the chart that we</p> <p>22 just looked at; is that right?</p> <p>23 A. The last page that we see in the exhibit</p> <p>24 is just a high-level summary of the 20 controls.</p> <p>25 Each one of these controls also has subcategories.</p> <p>197</p>	<p>1 guess, judgment as to what the maturity levels were</p> <p>2 for these various categories as of August '17.</p> <p>3 Between then and January of '18, without</p> <p>4 reference to the specific language in the security</p> <p>5 statement, just as of that date, are you aware of</p> <p>6 any material change in any of these maturity levels</p> <p>7 between August '17 and January of '18?</p> <p>8 MR. TURNER: Object to the form. Are</p> <p>9 you asking him whether another assessment was done?</p> <p>10 MR. TODOR: I'm asking whether he's</p> <p>11 aware of any change in the maturity levels between</p> <p>12 August '17 when he had done this analysis and</p> <p>13 January of '18.</p> <p>14 MR. TURNER: Object to the form of</p> <p>15 the question.</p> <p>16 A. When you say "material change," are you</p> <p>17 saying was there a change in maturity level?</p> <p>18 BY MR. TODOR:</p> <p>19 Q. Yes.</p> <p>20 A. I don't recall if there was any specific</p> <p>21 change to any one of these control areas, no.</p> <p>22 Q. Something got dramatically better or</p> <p>23 dramatically worse, anything like that?</p> <p>24 MR. TURNER: Objection to form and</p> <p>25 foundation.</p> <p>199</p>
<p>1 It's hard to read, but when you look at the first</p> <p>2 set of screenshots, a lot of these -- you can't</p> <p>3 really read here -- are subcategories of those 20</p> <p>4 controls.</p> <p>5 Q. So between August 2017 and I think we</p> <p>6 looked earlier, the security statement was posted to</p> <p>7 the SolarWinds public website, it's in that e-mail,</p> <p>8 I guess, December 27th, appears to have come live</p> <p>9 sometime in January '18.</p> <p>10 Are you aware of any material change in</p> <p>11 the NIST maturity level for any of these</p> <p>12 cybersecurity categories listed in this chart for</p> <p>13 SolarWinds between October -- August of 2017 and</p> <p>14 January of 2018?</p> <p>15 MR. TURNER: Object to the form.</p> <p>16 A. If you're asking me to draw conclusions</p> <p>17 between my internal assessment of the controls</p> <p>18 versus what we put on the security statement,</p> <p>19 they're two totally different -- two totally</p> <p>20 different --</p> <p>21 BY MR. TODOR:</p> <p>22 Q. I was asking a slightly different</p> <p>23 question.</p> <p>24 A. Okay.</p> <p>25 Q. Just in terms of -- you made a certain, I</p> <p>198</p>	<p>1 A. Again, I don't recall specifics, yeah.</p> <p>2 BY MR. TODOR:</p> <p>3 Q. To clarify, in your earlier response</p> <p>4 about setting a baseline, I believe you said you</p> <p>5 were trying to set a baseline to describe what Tim</p> <p>6 was coming into.</p> <p>7 Is it fair to say that that means that</p> <p>8 you were trying to access SolarWinds' current state</p> <p>9 of cybersecurity as of August of 2017?</p> <p>10 A. When I put these CIS benchmarks together,</p> <p>11 again, I was doing this previously to Tim. I was</p> <p>12 using it as an opportunity to help Tim understand</p> <p>13 when he entered into the organization where we were</p> <p>14 generally with, you know, adherence to some kind of</p> <p>15 security control.</p> <p>16 Q. A new document coming. This will be</p> <p>17 Quitugua Exhibit 12.</p> <p>18 (Deposition Exhibit 12 marked for</p> <p>19 identification.)</p> <p>20 BY MR. TODOR:</p> <p>21 Q. You've been handed what's been marked as</p> <p>22 Quitugua Exhibit 12. It's an e-mail</p> <p>23 Bates SW-SEC00042892 through 964.</p> <p>24 Appears to be an e-mail from Brad Cline</p> <p>25 to Rani Johnson dated March 16th, 2018, subject,</p> <p>200</p>

<p>1 Updated slides.</p> <p>2 Mr. Quitugua, I'd ask you to turn to the</p> <p>3 second page, appears to be a PowerPoint slide titled</p> <p>4 Major Project Portfolio.</p> <p>5 Did you play any role at SolarWinds in</p> <p>6 the collection of information for a major project</p> <p>7 portfolio presentation around this time?</p> <p>8 A. There may be security-specific slides in</p> <p>9 this presentation, but I'd have to -- you have to</p> <p>10 give me a few minutes to review.</p> <p>11 Q. Well, maybe I can help you. Can you turn</p> <p>12 to the one with Bates 42906. And this appears to be</p> <p>13 a slide titled Security Assessment and Remediation</p> <p>14 of the top -- appears to say DOIT lead, you; is that</p> <p>15 correct?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Does that fresh your recollection as to</p> <p>18 whether you played any role in preparing this slide</p> <p>19 or something like it for this particular</p> <p>20 presentation?</p> <p>21 A. For this particular slide, yes.</p> <p>22 Q. What was your role?</p> <p>23 A. Again, let me look at the time frame.</p> <p>24 2018. If I recall, we were working through GDPR</p> <p>25 readiness and one of the tasks was to conduct a</p> <p style="text-align: center;">201</p>	<p>1 Q. You're saying it's either Rani Johnson or</p> <p>2 Tim Brown who decided that this was going to be the</p> <p>3 task and it got assigned to you?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know why it was being</p> <p>6 assigned -- or why this was a task that SolarWinds</p> <p>7 was doing at this time?</p> <p>8 A. Again, what I can recall is that we were</p> <p>9 working through GDPR readiness. That's what I can</p> <p>10 recollect.</p> <p>11 Q. Do you know whether it was specifically</p> <p>12 tied to GDPR or was it a more general initiative?</p> <p>13 MR. TURNER: Objection, asked and</p> <p>14 answered.</p> <p>15 A. Again, my recollection is that we were in</p> <p>16 the middle -- or in the process of assessing our</p> <p>17 readiness for GDPR.</p> <p>18 BY MR. TODOR:</p> <p>19 Q. Next sentence says: Develop a risk</p> <p>20 register and provide security guidance as part of</p> <p>21 remediation efforts to prevent, detect and respond</p> <p>22 to cybersecurity attacks and comply with applicable</p> <p>23 regulations.</p> <p>24 Do you see that?</p> <p>25 A. I do see that.</p> <p style="text-align: center;">203</p>
<p>1 security assessment and remediation.</p> <p>2 Q. Had you done any security assessments or</p> <p>3 remediations outside of GDPR readiness at this time?</p> <p>4 MR. TURNER: Objection to form.</p> <p>5 A. You mean as part of the actual portfolio</p> <p>6 work that is in this exhibit?</p> <p>7 BY MR. TODOR:</p> <p>8 Q. As part of your job outside of this</p> <p>9 exhibit.</p> <p>10 A. Other than what we already had talked</p> <p>11 about earlier, this was -- this was the only other</p> <p>12 one I could think of.</p> <p>13 Q. Look at the description for the slide.</p> <p>14 It states: Conduct an enterprisewide security</p> <p>15 assessment of access control and security standards</p> <p>16 and guidelines using the NIST cybersecurity</p> <p>17 framework.</p> <p>18 Do you see that?</p> <p>19 A. (Nods head.)</p> <p>20 Q. Why were you doing that?</p> <p>21 A. First, yes, I do see that.</p> <p>22 Second, it was a -- this was a task that</p> <p>23 was generated, again, I don't recall who generated</p> <p>24 it, either Rani and/or Tim, but it was assigned to</p> <p>25 me as the lead to ensure that I followed through.</p> <p style="text-align: center;">202</p>	<p>1 Q. And was this, again, an objective that</p> <p>2 was come up with above you and was assigned to you</p> <p>3 to work on?</p> <p>4 A. Again, I don't recall the specifics</p> <p>5 around, you know, the scope of the actual task of</p> <p>6 the work. I took all my guidance for direct work</p> <p>7 from Tim Brown and Rani Johnson.</p> <p>8 Q. There's a budget figure of zero dollars</p> <p>9 listed for this.</p> <p>10 Is that consistent with your</p> <p>11 recollection?</p> <p>12 MR. TURNER: Objection to form.</p> <p>13 A. It does state zero across the columns</p> <p>14 there.</p> <p>15 BY MR. TODOR:</p> <p>16 Q. Did you get any funding to conduct an</p> <p>17 enterprisewide security assessment of access control</p> <p>18 and security standards and guidelines using the NIST</p> <p>19 cybersecurity frameworking?</p> <p>20 MR. TURNER: Object to form.</p> <p>21 A. I don't recall if we ever even needed</p> <p>22 funding to do the internal security -- or the</p> <p>23 assessment to accomplish this work.</p> <p>24 BY MR. TODOR:</p> <p>25 Q. Did you perform such an assessment in</p> <p style="text-align: center;">204</p>

<p>1 connection with the project that's listed here?</p> <p>2 A. I recall doing some kind of readiness</p> <p>3 assessment as part of GDPR.</p> <p>4 Q. Turning your attention down further in</p> <p>5 that block there's a list of issues, risks and</p> <p>6 dependencies.</p> <p>7 Do you see that?</p> <p>8 A. Let me see here. Excuse me.</p> <p>9 Yes, I do.</p> <p>10 Q. And the first is inconsistent application</p> <p>11 of baseline security controls.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Who came up with that description, and if</p> <p>15 you know, why?</p> <p>16 A. As part of the portfolio work that we</p> <p>17 were doing, although I wasn't -- I was assigned as</p> <p>18 the head lead, I would have -- I would have</p> <p>19 collaborated, coordinated with other groups as part</p> <p>20 of this work. I don't recall if that came from me</p> <p>21 or if that came from, you know, someone else within</p> <p>22 the -- within the team.</p> <p>23 Q. And this says: Action required, develop</p> <p>24 security baseline.</p> <p>25 Is that something you were working on</p> <p style="text-align: center;">205</p>	<p>1 framework.</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. And who came up with that item?</p> <p>5 A. Again, I don't recall the specifics</p> <p>6 around who came up with that. Again, because I was</p> <p>7 the lead, I recall coordinating through other</p> <p>8 groups, but, again, I can't speak to did I put that</p> <p>9 there or did somebody recommend that it was an issue</p> <p>10 of risk or dependency.</p> <p>11 Q. It says: Action required, ID</p> <p>12 stakeholders and brief security framework.</p> <p>13 What do you mean by brief security</p> <p>14 framework?</p> <p>15 MR. TURNER: Object to form.</p> <p>16 MR. TODOR: Did you finish your</p> <p>17 objection?</p> <p>18 MR. TURNER: There's no testimony</p> <p>19 that he said it.</p> <p>20 BY MR. TODOR:</p> <p>21 Q. Do you know who came up with that as</p> <p>22 action required?</p> <p>23 A. Again, I don't recall. It would have</p> <p>24 been a collaborative effort. I honestly don't</p> <p>25 remember.</p> <p style="text-align: center;">207</p>
<p>1 with respect to application of baseline security</p> <p>2 controls as of the time of this document?</p> <p>3 MR. TURNER: Object to form.</p> <p>4 A. If the -- if the baseline wasn't already</p> <p>5 established, that would have been a reasonable</p> <p>6 recommendation to make.</p> <p>7 BY MR. TODOR:</p> <p>8 Q. Is it fair to say from looking at this</p> <p>9 that you still needed to develop a security baseline</p> <p>10 with respect to application of baseline security</p> <p>11 controls?</p> <p>12 MR. TURNER: Object to the form.</p> <p>13 Just note that the document is</p> <p>14 obviously in draft form.</p> <p>15 A. I don't -- I don't recall the specifics,</p> <p>16 but I do know that when I did my work with the CIS</p> <p>17 controls, mapped it to NIST framework, there were</p> <p>18 some areas where I personally did not observe the</p> <p>19 control being implemented, for example. And so it's</p> <p>20 reasonable also to expect that we would establish</p> <p>21 baselines for those areas that were unobserved.</p> <p>22 BY MR. TODOR:</p> <p>23 Q. Turn your attention to the second -- I</p> <p>24 guess issue, risk and dependency listed there. It</p> <p>25 says: Enterprise adoption of NIST security</p> <p style="text-align: center;">206</p>	<p>1 Q. Do you have an understanding of what is</p> <p>2 meant by brief security framework?</p> <p>3 A. I mean, just that -- looking at this</p> <p>4 without any additional context, no.</p> <p>5 Q. Turn to the third issue, risk and</p> <p>6 dependencies: Need to identify security controls</p> <p>7 that don't already map to NIST framework.</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. Do you know who came up with that and why</p> <p>11 it's there?</p> <p>12 A. Again, I don't recall the specifics. I</p> <p>13 did collaborate on this body of work, but I don't</p> <p>14 remember either who brought it up as an issue, risk</p> <p>15 or dependency, or who raised it as a concern.</p> <p>16 Q. And the action item, review of all</p> <p>17 existing security processes and procedures. First,</p> <p>18 do you know who came up with that?</p> <p>19 A. I honestly don't recall, honestly.</p> <p>20 Q. And was that something you were working</p> <p>21 on?</p> <p>22 A. I was the DOIT lead for this particular</p> <p>23 body of work. But as part of that work I did a lot</p> <p>24 of collaboration. I just don't remember.</p> <p>25 Q. Turn your attention to the Key Milestones</p> <p style="text-align: center;">208</p>

<p>1 and Status section. The first one says: Conduct 2 risk assessment against existing security processes. 3 It says start 8/1/17, finished 8/15/17. 4 Do you see that? Is that the document we 5 just looked at from August of '17? 6 A. I don't recall if there was a correlation 7 between my work -- doing that work individually for 8 Tim and that was part of the GDPR readiness 9 assessment. I can't recall if they were linked 10 together. 11 Q. Looking further down on the status, it 12 has some complete security status assessments, 13 status has 3/16/18, which -- does that mean they 14 were still ongoing or expect to be complete as of 15 3/16/18? 16 MR. TURNER: I'm just going to lodge 17 a continuing objection to these questions. Just 18 they're ignoring -- there's a giant banner on this 19 page that says, Please Update. So to the extent 20 that the questions are premised on the idea that the 21 slide was accurate and current, I think it should be 22 noted. 23 BY MR. TODOR: 24 Q. Do you understand my question? 25 A. No, please restate.</p> <p style="text-align: center;">209</p>	<p>1 A. I recall that there was multiple forms of 2 accessing the different levels of either business 3 risk or cyber risk. Again, there were different 4 methods put in place at the time. 5 Q. But, to your knowledge, was that process 6 still ongoing as in not -- whatever item was being 7 contemplated here was not completed as of 8 March 16th, 2018? 9 MR. TURNER: Sitting here today, do 10 you know whether it was completed as of that date? 11 A. No, I don't recall if it was completed at 12 that date. 13 BY MR. TODOR: 14 Q. Referring to the document, there's a 15 banner saying Please Update. 16 Do you know what that's referring to? 17 A. Rani and her leadership team met on a 18 recurring basis and she would send out copies of the 19 draft for the next iteration or the next cadence 20 meeting and she would place the banner for all leads 21 or all whoever's responsible for that particular 22 slide to work with whoever they're working with to 23 get that content updated and accurate so that they 24 could present it at the next meeting -- project 25 meeting.</p> <p style="text-align: center;">211</p>
<p>1 Q. It says: Complete security assessments, 2 and has a status and it has a date of 3/16/18. 3 Was it your understanding that the 4 security assessments that are referred to in this 5 document were not yet complete as of March 16th, 6 2018? 7 MR. TURNER: Objection to form. 8 A. I don't recall, I mean, if they were or 9 were not done right at this point in time. 10 BY MR. TODOR: 11 Q. Then next statement: Approved plan -- 12 approved risk acceptance business/function it looks 13 like. Again, it has a status date of March 30, 14 2018. 15 First, do you know what is meant by 16 approved risk acceptance business/function? 17 A. In the context of the security assessment 18 and remediation, the milestone for that particular 19 body of work was related to -- for any items found 20 developing a process to accept the -- if there was 21 risk identified, the body of work was related to 22 establishing a process to accept that risk, review 23 it, talk through it and then document the risk. 24 Q. To your knowledge, was that process still 25 ongoing as of March 16th, 2018?</p> <p style="text-align: center;">210</p>	<p>1 Q. Were these meetings held on a regular 2 basis? 3 A. For the portfolio meetings they were, but 4 again, I don't recall the cadence at which they were 5 held. 6 Q. Like monthly, weekly, something like 7 that? 8 A. I don't exactly recall. I don't recall. 9 But they were held on a regular cadence. 10 Q. Turning your attention to the next page 11 of the document with Bates ending in 90 -- turning 12 back to 906, there's a note listed under the chart 13 dated October 16th, 2017, stating: As part of GDPR 14 we are collecting and accessing the security 15 controls across the environment. 16 I don't know, maybe they meant assessing. 17 Does that refresh your recollection at 18 all as to the purpose of the issues, risks and 19 dependencies and actions that are listed in this 20 document? 21 A. It doesn't help. Again, multiple teams 22 and groups had access to the actual file itself. 23 They could have come in and added comments and 24 notes. 25 Q. Next sentence states: Pen tests are</p> <p style="text-align: center;">212</p>

<p>1 planned across the MSP customer-facing 2 infrastructure and hopefully across the shared IT 3 infrastructure. 4 Do you see that? 5 A. Uh-huh. Yes. 6 Q. Does that refresh your recollection as to 7 whether penetration testing had begun across the MSP 8 customer-facing infrastructure as of October 2017? 9 A. I don't recall. Yeah, I don't recall if 10 that -- if that was true at the time. 11 Q. And is the same -- is that the same for 12 the shared IT infrastructure? 13 A. I don't know if I understand the 14 question. 15 Q. I'm trying not to repeat my words. 16 Does this refresh your recollection as to 17 whether pen tests had begun for the shared IT 18 infrastructure as of October 2017? 19 A. I don't recall if they were or not. 20 Q. And the third sentence states: Security 21 guidelines and access control guidelines closely 22 aligning to NIST have been created as part of GDPR. 23 Do you see that? 24 A. Yes, I do. 25 Q. Does this refresh your recollection as to</p> <p style="text-align: center;">213</p>	<p>1 BY MR. TODOR: 2 Q. And I'm just asking because you're listed 3 as DOIT lead at top of the slide. So this note is 4 referring to work being done on security guidelines 5 and access control guidelines. 6 Were you the lead for that work? 7 A. I was the lead for producing the, you 8 know, item No. 5 in the portfolio. Part of that 9 work could have been coordinating with others who 10 had responsibility to put content into or publish 11 the guidelines. 12 Q. Do you know when, if at all, pen tests 13 were actually conducted across the MSP 14 customer-facing infrastructure? 15 A. During this time period? 16 Q. Or at any point moving forward from the 17 date of this document. 18 A. My team at this point in time still did 19 not have responsibility to do any of those, so I 20 wouldn't have visibility. 21 Q. Do you know whether pen 22 tests -- penetration tests were performed across the 23 shared IT infrastructure at some point in the 2018 24 to 2020 time frame? 25 A. I don't have direct knowledge that that</p> <p style="text-align: center;">215</p>
<p>1 whether security guidelines and access control 2 guidelines had been created as of October 2017? 3 A. I don't know when the exact timeline is 4 for when the guidelines were created, honestly. I 5 know that I had worked to, you know, draft some of 6 the content of the guidelines, but I can't tell you 7 right now the timing of it. 8 Q. Did you personally work on the security 9 guidelines and access control guidelines that are 10 being referred to here? 11 A. Yes. 12 Q. Did anyone else work on them? 13 A. Multiple people helped contribute to the 14 content and the guidelines. 15 Q. Were you the lead on that portion of the 16 project? 17 A. For the guidelines? 18 Q. Yes. 19 A. I don't recall if I was or not. 20 Q. So in this sentence it's referring to 21 security guidelines. Were you the lead for those? 22 MR. TURNER: Object to form. 23 A. I don't recall being the lead to publish 24 the guidelines. 25</p> <p style="text-align: center;">214</p>	<p>1 occurred. 2 Q. Turn your attention to the next page of 3 the document with 907 as the Bates. This appears to 4 be a slide marked Enterprise Access Management 5 (Standards and Audit). And it appears to have you 6 listed as the team lead. 7 Were you the team lead for that? 8 A. I recall that I was assigned for this 9 No. 6 portfolio item. 10 Q. What did you understand to be the scope 11 of your assignment? 12 A. To conduct a risk assessment around 13 enterprise access management. 14 Q. What's your understanding of the term 15 "enterprise access management"? 16 A. I understood the term to mean 17 provisioning of user roles that are mapped to their, 18 you know, job function. 19 Q. Does that include -- well, I guess maybe 20 we can focus on the language. 21 There's a description listed: Access 22 management describes the management of individual 23 identities, their authentication, authorization, 24 roles, and privileges within the enterprise in order 25 to minimize security risks associated the use of</p> <p style="text-align: center;">216</p>

<p>1 privileged and nonprivileged access. Probably 2 needed to end there. 3 Does that description sound accurate to 4 you? 5 MR. TURNER: Object to form. 6 A. As written in the description for the 7 actual project task itself? 8 BY MR. TODOR: 9 Q. Yes. 10 A. Right. I mean, that's what I understand 11 it to be. 12 Q. Does that match your understanding of 13 what the scope of your assignment was in terms of 14 the issue you were addressing? 15 A. It described the scope. 16 Q. Again, she seems to list a budget of zero 17 dollars. 18 Is that consistent with your 19 recollection? 20 MR. TURNER: Object to form. 21 A. Again, during this time period it may 22 not -- we would have done the assessment and if it 23 didn't cost external dollars to conduct it, like we 24 were going to do it ourselves, that's what we would 25 have put.</p> <p style="text-align: center;">217</p>	<p>1 Q. Do you have an understanding as to why 2 that's there? 3 A. Again, since this was a kind of a point 4 in time, that could have very well been raised as a 5 concern. I would expect that in phase 1 where it is 6 marked as complete, that there's a correlation 7 between that body of work and any addressing of the 8 issues, risks and dependencies. I can't sit here 9 today and tell you that that was a risk and concern 10 at that point in time because, again, there was work 11 to be done here before the next presentation. 12 Q. So I'm just talking about March 16, 2018. 13 A. Uh-huh. 14 Q. Was it considered to be an issue, risk 15 and dependency that the concept of least privilege 16 was not followed as a best practice within 17 SolarWinds? 18 MR. TURNER: Objection to form and 19 foundation. 20 A. The issue, risk and dependencies listed 21 here, doesn't indicate that it was a problem across 22 the organization. As part of the assessment, it may 23 have been found that a particular system wasn't 24 following the concept of least privilege. 25</p> <p style="text-align: center;">219</p>
<p>1 BY MR. TODOR: 2 Q. What resources would you have available 3 to assess your access management if you're not 4 spending additional dollars? 5 A. This really referenced external spending, 6 right. It didn't really address -- there was 7 no -- it was assigned to the security team, but they 8 didn't tie dollars to the internal security team 9 doing this work. This was intended to track 10 external budget -- 11 Q. Supply a new security tool, something 12 like that? 13 A. Hire a contractor or, right, a vendor. 14 That would have been reflected under the budget. 15 Q. This would be just if you're adding it to 16 your own internal to-do list, there wouldn't be an 17 extra external budget figure attached to it; is that 18 correct? 19 A. Right. 20 Q. Turn down to the issues, risks and 21 dependencies. Click the first one, it says: 22 Concept of least privilege not followed as a best 23 practice. 24 Do you see that? 25 A. I do.</p> <p style="text-align: center;">218</p>	<p>1 BY MR. TODOR: 2 Q. As we're sitting here today, do you 3 recall any particular instances within SolarWinds 4 that the concept of least privilege was not being 5 followed as a best practice as of this March 2018 6 time frame? 7 A. Not that I can distinctly recall. But 8 like I described earlier, we do have those kind of 9 defined steps to go through to identify, take in the 10 reports and then address and fix. 11 Q. Turning to the Action Required column, 12 appears to state: ID existing permission levels 13 within the enterprise. 14 Do you see that? 15 A. Uh-huh. Yes. 16 Q. Is that an action that you were in charge 17 of as of March 2018? 18 A. It would have been an action that we 19 worked collectively as a group in order to 20 accomplish this particular project task. 21 Q. And were you the lead on that particular 22 aspect of the task? 23 A. For that particular issue, risk and 24 dependencies, I don't recall if I was or not. 25 Q. Turn to the second description.</p> <p style="text-align: center;">220</p>

<p>1 Statement: Use of shared accounts throughout 2 internal and external applications. 3 Do you see that? What's your 4 understanding of what that issue is? 5 A. I'm trying to recall. I don't have a 6 recollection of what shared accounts in that 7 particular context meant. 8 Q. What is a shared account, based on your 9 knowledge, generally? 10 A. Generally it's an account that's shared. 11 Q. By more than one user within the 12 organization? 13 A. Not necessarily. 14 Q. Who would be sharing it? 15 A. A computer. 16 Q. Could you please explain what you mean by 17 that? 18 A. Yeah. So sometimes an account different 19 from a human account can be used by a computer to 20 perform its function. And that same service 21 account -- or account could be used in a different 22 computer, again, doing the same function to do its 23 job as well. 24 MR. TURNER: Hey, JJ, just flagging 25 that we're past the hour mark, so whenever you have</p> <p>221</p>	<p>1 process. 2 BY MR. TODOR: 3 Q. Turn to the second action required. 4 There's a statement: Work with teams to 5 decommission use of shared accounts. 6 Do you know what that means? 7 A. I mean, looking at the document again, it 8 says to work with teams to decommission accounts. 9 Q. What does decommission use of shared 10 accounts mean? 11 A. To basically disable the account or 12 separate the use of that account by multiple systems 13 or multiple people. 14 Q. And were you tasked with making sure that 15 happened? 16 A. Again, I was tasked to ensure that I 17 delivered the project. I worked with multiple 18 people. There could have been others on the team or 19 within the IT groups that were responsible for doing 20 that. 21 Q. Okay. 22 MR. TODOR: Counsel, we can take a 23 break now if you'd like. 24 MR. TURNER: Sure. Thank you. 25 THE VIDEOGRAPHER: Going off the</p> <p>223</p>
<p>1 a break coming up soon. 2 MR. TODOR: Sure. 3 BY MR. TODOR: 4 Q. To your knowledge, with respect to the 5 previous issue, who at SolarWinds would know whether 6 a particular system was not following a concept of 7 least privilege? 8 MR. TURNER: Objection to form. 9 A. Are you asking if there was one 10 individual that would -- I don't know if I -- I 11 don't understand the question. Could you please... 12 BY MR. TODOR: 13 Q. So who would be responsible for 14 identifying whether a particular system was 15 following a concept of least privilege? 16 MR. TURNER: Objection to form. 17 A. There would be multiple ways in which we 18 would identify or get -- get reports of, you know, 19 systems or applications or users not following. 20 BY MR. TODOR: 21 Q. Would Mr. Brown be in charge of that? 22 MR. TURNER: Objection to form and 23 asked and answered. 24 A. Again, there are multiple ways that we 25 would get it and we would follow the standardized</p> <p>222</p>	<p>1 record. Time is 3:18. 2 (Recess taken from 3:18 p.m. to 3 3:39 p.m.) 4 THE VIDEOGRAPHER: Back on the 5 record. Time is 3:39. 6 BY MR. TODOR: 7 Q. Welcome back, Mr. Quitugua. I believe we 8 were discussing the page with Bates 42907 in the 9 lower right. Are you still there? 10 A. Yes. 11 Q. Okay. I'll just draw your attention to 12 the key milestones and status list there, and just 13 ask, do you have an understanding as to how those 14 milestones were generated and... 15 A. I don't know if I understand the 16 question. Just kind of how were they laid out? 17 Q. Yeah. How was it decided that those 18 would be the milestones? 19 A. As part of all the project kickoffs, 20 there's, like, a discovery phase and then in the 21 discovery phase each of the different key dates or 22 milestones would be described, and then there was 23 some discussion on timing, right. So that's where 24 you see the start-to-finish dates in there. 25 Q. What role, if any, did you play in</p> <p>224</p>

<p>1 determining the milestones and the timing?</p> <p>2 A. Other than getting assigned the actual</p> <p>3 task, I don't recall being directly involved in</p> <p>4 setting up the actual milestones for the project</p> <p>5 task.</p> <p>6 Q. Do you have any reason to believe, as</p> <p>7 you're sitting here today, that the status of the</p> <p>8 various milestones was anything other than what was</p> <p>9 set forth here in the document as of March 16, 2018?</p> <p>10 MR. TURNER: Object to the form of</p> <p>11 the question.</p> <p>12 A. I don't have any reason to believe that</p> <p>13 they were inaccurate.</p> <p>14 BY MR. TODOR:</p> <p>15 Q. Turning your attention back up to the</p> <p>16 banner saying Please Update. Do you have an</p> <p>17 understanding of why that's there?</p> <p>18 A. Yes. Again, as I described earlier,</p> <p>19 these slides were a snapshot in time that were</p> <p>20 presented to Rani Johnson in terms of overall</p> <p>21 project portfolio status. She would throw on the</p> <p>22 Please Update banner indicating that each respective</p> <p>23 lead for that particular project in the portfolio</p> <p>24 was responsible for ensuring that the data was</p> <p>25 refreshed and up to date for the next set of</p> <p style="text-align: center;">225</p>	<p>1 will be completed by 12/31.</p> <p>2 Is this statement consistent with your</p> <p>3 understanding as to the status of identity</p> <p>4 management as of October 2017?</p> <p>5 MR. TURNER: Objection to form.</p> <p>6 A. I don't recall who made that specific</p> <p>7 note within the document. And so I don't know, I</p> <p>8 just -- I don't have a recollection of who would</p> <p>9 have made that note or the comment.</p> <p>10 BY MR. TODOR:</p> <p>11 Q. Apart from who made the comment, is this</p> <p>12 statement consistent with your understanding as to</p> <p>13 the status of identity management at SolarWinds as</p> <p>14 of on or around October 2017?</p> <p>15 MR. TURNER: Objection to the form of</p> <p>16 the question.</p> <p>17 A. My team was constantly doing assessments</p> <p>18 over the course of the day-to-day work that we do.</p> <p>19 Again, I don't recall any specific instances where</p> <p>20 we raised a concern around identity management.</p> <p>21 What I can say is that when -- again, when issues,</p> <p>22 security, you know, concerns are brought up, we do</p> <p>23 have a defined process to follow to work through and</p> <p>24 address those concerns.</p> <p>25</p> <p style="text-align: center;">227</p>
<p>1 meetings.</p> <p>2 Q. And would the updating be in terms of the</p> <p>3 timeline or in terms of what the tasks were?</p> <p>4 A. There were a variety of reasons why the</p> <p>5 content within the project, the project tasks, would</p> <p>6 be updated.</p> <p>7 Q. Do you have any specific recollection of</p> <p>8 changes to either the issues, risks and dependencies</p> <p>9 or the key milestones for this particular project?</p> <p>10 A. No particular recollection of any</p> <p>11 specific changes that were made as part of this body</p> <p>12 of work.</p> <p>13 Q. Direct your attention to the note under</p> <p>14 the chart. Do you know who'd generate these notes</p> <p>15 under these slides?</p> <p>16 A. The document itself was available to all</p> <p>17 of Rani's leadership team. And without looking at</p> <p>18 the actual file itself, I couldn't tell you, you</p> <p>19 know, who put the comment or the note in there.</p> <p>20 Q. First statement is: 10/16/17, obtain</p> <p>21 update. Identity management continues to be a</p> <p>22 concern. Appropriate checks are in place to grant</p> <p>23 access but audit of access is not consistently</p> <p>24 implemented. Multifactor authentication should also</p> <p>25 be utilized in more environments. A risk assessment</p> <p style="text-align: center;">226</p>	<p>1 BY MR. TODOR:</p> <p>2 Q. The next portion of the note here says:</p> <p>3 Review roles, review membership.</p> <p>4 Do you know what that's referring to?</p> <p>5 A. I do not.</p> <p>6 Q. The next says: Implement MFA for</p> <p>7 high-value areas.</p> <p>8 Do you know what that's referring to?</p> <p>9 A. I do not.</p> <p>10 Q. Next it says: VPN. Do you know what</p> <p>11 that's referring to?</p> <p>12 A. No.</p> <p>13 Q. Is VPN a term of art in the IT industry?</p> <p>14 A. It is.</p> <p>15 Q. What is the term "VPN"?</p> <p>16 A. It's -- it's an acronym for virtual</p> <p>17 private network.</p> <p>18 Q. And did SolarWinds utilize virtual</p> <p>19 private networks in its business?</p> <p>20 A. We utilize VPNs across multiple different</p> <p>21 environments within the organization.</p> <p>22 Q. Would this be part of what you referred</p> <p>23 to earlier as the corporate IT environment as</p> <p>24 opposed to the software environment?</p> <p>25 A. In that context, yes.</p> <p style="text-align: center;">228</p>

1 Q. Do you know if there was any analysis
2 within the organization of the issue Mr. Krajcir
3 raised between August '18 and January 2020?

4 A. I don't remember -- or don't -- I don't
5 recall if we had any direct discussion between
6 then -- or between his initial and the follow-up
7 that he sent. And I don't know if he had those
8 internal discussions with his network team or with
9 the IT team -- broader team in general. I don't
10 know.

11 Q. Direct your attention to the second
12 e-mail in the string at the bottom of page 779, it
13 appears to be an e-mail from you to Tim Brown,
14 Mr. Krajcir dated January 16, 2020.

15 Do you see that?

16 A. Yes.

17 Q. And then it appears you say in the
18 e-mail: Tim, this was Robert Krajcir's suggestion
19 on how to address noncorporate machines from
20 connecting to the network using GP VPN.

21 A. Uh-huh.

22 Q. Why did you send this to Mr. Brown?

23 A. Robert was looking to get, like, a
24 follow-up on his initial presentation and I reached
25 out to Tim to summarize, you know, that, Hey, look,

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1 protect VPN, we already had enforced specific
2 security controls that allowed very specific access
3 to the internal network resources, but it wasn't
4 like -- you know, it wasn't implemented. There were
5 controls in place and what we were looking to do is
6 improve on them based on Robert's recommendation.
7 He felt, again, individually as his opinion, that he
8 wasn't getting the support he needed and I reached
9 out to Tim in my capacity as information security
10 manager to say, Is there anything that we can do to,
11 you know, support his request to implement
12 machine-based authentication and get global protect
13 VPN implemented.

14 Q. In your previous answer you said, "There
15 were controls in place and what we were looking to
16 do is improve on them based on Robert's
17 recommendation."

18 Who's the "we" you're talking about in
19 that answer?

20 A. "We" in terms of who was making the
21 recommendation?

22 Q. Yeah. You said what we were looking to
23 do. So who's the "we"?

24 A. Could you -- can you just rephrase or
25 repeat the -- my previous testimony?

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1 Robert wanted to implement machine-based
2 authentication, is there anything that we can do to
3 support.

4 Granted we already had existing controls
5 in place for the global protect VPN. Like what
6 we're looking at here is improving the VPN and
7 making -- him wanting to make a recommendation to
8 implement machine-based authentication really on top
9 of user-based authentication. So my intent of
10 reaching out to Tim during this time frame, if I
11 recall, was to really say, you know, Robert feels
12 like there wasn't any traction, is there anything
13 else we can do to, you know, support and improve the
14 global protect VPN posture.

15 Q. Turning your attention to the second
16 sentence in your e-mail. You state: As you know,
17 this did not get any traction, but wanted to share
18 with you so that we can circle this back and see if
19 we can reassess and possibly implement some type of
20 enforcement.

21 Do you see that?

22 A. Yes, I do.

23 Q. What is your understanding as to why this
24 did not get any traction as of January 16th, 2020?

25 A. During this time frame the way global

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1 Q. I was repeating your previous testimony.

2 A. Could you please repeat it?

3 Q. It says, "What we were looking to do was
4 improve on them based on Robert's recommendation."
5 You said, "There were controls in place and what we
6 were looking to do is improve on them based on
7 Robert's recommendation."

8 My question was, what -- who's the "we"?

9 A. I believe -- I used the term "we" in
10 general to describe that we collectively as a group.

11 Q. So if you're saying that the idea didn't
12 get any traction, how are you saying that we were
13 looking to improve if his idea didn't get any
14 traction?

15 A. We're always looking to improve, whether
16 it's process improvements, whether it's security
17 posture improvements. I mean, that's --

18 Q. Is it fair to say that no one at
19 SolarWinds had implemented any kind of enforcement
20 for Mr. Krajcir's suggestion as of January 16th,
21 2020, and you were forwarding the presentation to
22 Mr. Brown to see if it could get some kind of
23 traction after you reintroduced it?

24 A. I don't think it's fair to say that we
25 didn't take any action on it. I think there were --

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<p>1 again, I don't recall any specific follow-on 2 discussions we had, but if we did, we would have 3 documented it in some kind of ticketing system. 4 Q. So why did you say, "See if we can 5 reassess and possibly implement some kind of 6 enforcement"?</p> <p>7 A. Again, in the spirit of process 8 improvements and, you know, getting better, 9 improving on what we currently have, I made the 10 suggestion -- or I made -- I reached out and said, 11 Is there anything we can do to support that inquiry 12 for his suggestion. We were specifically talking 13 about machine-based authentication for the global 14 protect VPN. 15 Q. So with respect to machine-based 16 authentication for global protect VPN, is it your 17 understanding that as of January 16th, 2020, there 18 had been no enforcement to support Mr. Krajcir's 19 suggestion regarding machine certificate 20 authentication? 21 MR. TURNER: Objection to the form. 22 A. Specifically for machine-based 23 authentication, we didn't have that specific setting 24 set. However, there were compensating controls that 25 were already in place.</p> <p>257</p>	<p>1 follow-up e-mail was that since his initial 2 recommendation to implement machine-based 3 authentication, he was already of the understanding 4 that other steps were already being put in place by 5 his network team to address -- or to implement 6 additional compensating controls. And he talks 7 about some of those compensating controls in the 8 second paragraph. 9 Q. Turning to the second paragraph, 10 Mr. Krajcir is saying: Regarding GP VPN we are 11 still standing on the same spot. Anyone connect 12 from anywhere as long as they know AD credentials. 13 So why are you saying that he's talking 14 about compensating controls if he's saying, We're 15 still standing on the same spot? 16 A. As I read his reply, he also states that 17 there are some access that was trimmed. He also 18 goes on to state other things that we consider -- 19 that we wouldn't have considered as a compensating 20 control despite the fact that, look, there's still a 21 possibility of, you know, anyone connecting. 22 Q. Turning your attention to the last 23 sentence in the second paragraph, Mr. Krajcir says: 24 While certificates would be able to solve this for 25 us, they are useless as long as users have full</p> <p>259</p>
<p>1 BY MR. TODOR: 2 Q. And what were those? 3 A. So, again, we talked about user -- user 4 identification, authentication, right. So you had 5 to be an authorized user of global protect VPN. You 6 had to also have an account in active directory. 7 You also had to be provisioned with the level of 8 privilege in order to access specific resources on 9 the internal network. 10 So machine-based authentication was just 11 another recommendation by Robert to say, Let's add 12 this so that we can then, you know, add additional 13 layer of protection around the machines. So it's 14 not like we didn't have any protections in place. 15 We had some level of protection already to properly 16 identify, authenticate and grant access to 17 resources. What Robert was making a recommendation 18 on was let's implement machine-based authentication 19 to get better. 20 Q. Turning your attention to the top e-mail 21 in the string from Mr. Krajcir dated January 16, 22 2020. What did you understand to be what he was 23 communicating with respect to the status of his 24 recommendation? 25 A. What I understood from Robert in his</p> <p>258</p>	<p>1 admin rights (certificate can be exported and 2 installed anywhere if user is an admin). 3 Do you see that? 4 A. I do. 5 Q. What do you understand Mr. Krajcir to 6 have been saying, that certificates are useless as 7 long as users have full admin rights? 8 A. I don't know if he was speaking about 9 machine-based certificates or user-based 10 certificates in that particular context. 11 Q. Can you review the paragraph and explain 12 what you understand him to be saying? 13 A. I mean, he starts off with global protect 14 VPN. He talk about some of the compensating 15 controls and then he pivots to certificates. What I 16 don't understand -- I didn't get it out of 17 the -- his reply here, what he meant by 18 certificates, whether they were user-based or 19 machine-based. 20 Q. Turn your attention to the third 21 paragraph, the first sentence. Mr. Krajcir states: 22 The best thing we can currently hope for is 23 implementation of NAC which would solve all these 24 issues. 25 What's NAC?</p> <p>260</p>

<p>1 A. NAC is an acronym that means network 2 access control. 3 Q. Is that a specific company's product or 4 is it a technique within the IT industry? 5 A. It is a technique to manage, control and 6 enforce access controls on the network. 7 Q. Next Mr. Krajcir states: We are 8 currently talking to vendors about their solutions. 9 We'll have quotes available soon. Let's hope budget 10 will allow us to purchase such solution as planned. 11 However, this process will get at least six months 12 if not entire year till full adoption. 13 Do you see that? 14 A. Yes. 15 Q. To your knowledge, was NAC implemented at 16 SolarWinds at some point after January 16, 2020? 17 A. Yes. 18 Q. When was it implemented? 19 A. I don't recall the specific dates, but I 20 do know that it was implemented after. 21 Q. Was it in the 2020 time frame? 22 A. I don't recall. I don't recall if it was 23 or not. 24 Q. Do you think it's more likely it was in 25 2021, '22?</p> <p style="text-align: center;">261</p>	<p>1 BY MR. TODOR: 2 Q. Welcome back, Mr. Quitugua. You've been 3 presented -- or you're about to be presented with a 4 document marked as Quitugua Exhibit 16. 5 (Deposition Exhibit 16 marked for 6 identification.) 7 BY MR. TODOR: 8 Q. It has a Bates of SW-SEC00010210 through 9 229. Appears to be an e-mail from you dated 10 September 11, 2018 to a Johnathan Lyman. 11 Please tell me whether you recognize this 12 document. 13 (Witness reviews document.) 14 A. Yes, I do. It's familiar. 15 BY MR. TODOR: 16 Q. What is this document, sir? 17 A. This is the copy of the detailed security 18 statement. 19 Q. I'd like to draw your attention first to 20 the e-mail at 210. You state: Hi, Jonathan. Let's 21 start by sharing the detailed security statement. 22 This answers most of the questions in their 23 questionnaire. 24 Was this in response to -- the subject is 25 Vendor Security Assessment from CBS Casting. Was</p> <p style="text-align: center;">263</p>
<p>1 A. Again, I don't recall specific dates. I 2 would have to look at, you know, historical 3 documentation. 4 Q. Do you recall whether you had any further 5 conversations with Mr. Brown regarding Mr. Krajcir's 6 suggestion following January 16, 2020? 7 A. It's been so -- I don't recall. I don't 8 recall. 9 Q. Do you recall what, if any, steps 10 SolarWinds took to address the VPN issues raised by 11 Mr. Krajcir following January 16, 2020? 12 A. I don't recall if we did or not. 13 MR. TURNER: Can we -- if you are 14 about to switch to another document, I'll just flag 15 we've been going for almost another hour. Is this a 16 good time for a break? 17 MR. TODOR: I see the break soon sign 18 is up, so I guess we can take a break if you're all 19 right. 20 THE VIDEOGRAPHER: Going off the 21 record. Time is 4:35. 22 (Recess taken from 4:35 p.m. to 23 4:59 p.m.) 24 THE VIDEOGRAPHER: Back on the 25 record. Time is 4:59.</p> <p style="text-align: center;">262</p>	<p>1 that a prospective customer or who were they? 2 A. I don't recall specifically who CBS 3 Casting was, I mean, whether they were a potential 4 customer or an existing customer. 5 Q. Was it a routine practice to send a 6 detailed SolarWinds security statement in response 7 to a vendor security assessment as of 2018? 8 A. During this time frame we would, again, 9 start with the public-facing statement or the, you 10 know, the nondetailed security statement. If 11 customers had additional questions, wanted to dig in 12 on, you know, specific controls, then we would, you 13 know, get into a NDA if they were potential 14 customers or share with existing customers if it 15 would help answer additional questions they had. 16 Q. And if it helps, the first e-mail on the 17 string starting at the bottom of the page and 18 continuing to the top page, looks like Mr. Lyman is 19 saying: CBS Casting is a current customer of ours 20 and has vendor assessment requirements they need to 21 fulfill to continue doing business. They sent over 22 this spreadsheet with a handful of questions. 23 Please let me know if they need to sign an NDA for 24 any of this information. Thanks, Johnathan Lyman, 25 paper trail support.</p> <p style="text-align: center;">264</p>

<p>1 JIRA ticketing system that we used for incidents 2 that would have described what that was. 3 Q. So if you were trying to find out what 4 the unauthorized access items here, you would look 5 back through your JIRA system to find that? 6 A. You would look back at the historical 7 documents, comments, discussions that were being 8 had. 9 (Deposition Exhibit 25 marked for 10 identification.) 11 BY MR. TODOR: 12 Q. Mr. Quitugua, you've been presented with 13 a document marked as Quitugua Exhibit 25. It has 14 Bates SW-SEC00001602 through 1607. And could you 15 please -- seems to be a PowerPoint marked SolarWinds 16 Q2 2020 Quarterly Risk Review. 17 I would ask you to take a look at the 18 document and tell me whether you recognize it. 19 (Witness reviews document.) 20 A. I recognize one slide in this 21 presentation. 22 BY MR. TODOR: 23 Q. Please direct me to it. 24 A. Slide ending in 1605. 25 Q. Okay. And what, if any, content did you</p> <p style="text-align: center;">297</p>	<p>1 this one, we've seen several documents with 2 scorecards like this one. 3 Was it a routine occurrence that you 4 would provide information for Mr. Brown in his 5 preparation of those? 6 MR. TURNER: Objection to the form. 7 "Like this." 8 A. Again, if Tim asked me to provide 9 recommendations, I would. He's my boss, so I would 10 provide the recommendations as I was expected to 11 ask -- or answer. 12 BY MR. TODOR: 13 Q. What sorts of recommendations would you 14 provide? 15 A. I mean, there are many. I mean, there 16 are -- if he asked me to provide -- again, 17 looking -- we reviewed the incident response 18 dashboard. The majority of the feedback and input 19 that I have -- I had was really around the security 20 incidents since my team was responsible for 21 documenting, tracking. And so when I say I'd be 22 making those recommendations, really that's the area 23 I would have primarily focused on. 24 Q. And with respect to the risks and 25 improvement plan items identified here, did you have</p> <p style="text-align: center;">299</p>
<p>1 provide for this one? 2 A. It would have been the same -- if Tim 3 asked me for recommendations or trends or metrics 4 that support his scoring, I would provide that to 5 him. 6 MR. TURNER: The question is whether 7 you remember any content that you provided for this 8 slide. Yes or no? 9 A. I don't remember any specific content 10 that I provided for this slide. 11 BY MR. TODOR: 12 Q. Was it a -- was this the type of -- was 13 it a routine occurrence that you would provide 14 information for Mr. Brown in his preparation of the 15 scorecards for documents like this one? 16 MR. TURNER: Objection to form. 17 A. Could you repeat the question, please? 18 BY MR. TODOR: 19 Q. Was it a routine occurrence that you 20 would provide information for Mr. Brown in his 21 preparation of the scorecards for documents like 22 this one? 23 A. For this particular document, again, I 24 don't recall if I did or did not. 25 Q. I'm just -- generally for scorecards like</p> <p style="text-align: center;">298</p>	<p>1 any role in providing input into what those would 2 be? 3 MR. TURNER: Objection, asked and 4 answered. 5 A. I don't recall. 6 MR. TODOR: Our court reporter seems 7 to have put out the break soon sign. Counsel, is 8 this good time for a break for you? 9 MR. TURNER: Sure. 10 THE VIDEOGRAPHER: Going off the 11 record. Time is 5:56. 12 (Recess taken from 5:56 p.m. to 13 6:18 p.m.) 14 THE VIDEOGRAPHER: Back on the 15 record. Time is 6:18. 16 MR. TODOR: Please pass the document 17 to the witness. 18 (Deposition Exhibit 26 marked for 19 identification.) 20 BY MR. TODOR: 21 Q. Welcome back, Mr. Quitugua. 22 Mr. Quitugua, you've been presented with a document 23 marked as Quitugua Exhibit 26. It has Bates number 24 SW-SEC00001582 through 1601. It appears to be a 25 PowerPoint marked SolarWinds Q4 2020 Quarterly Risk</p> <p style="text-align: center;">300</p>

<p>1 submitted to kick off the account provisioning 2 process. 3 Q. To whom was the form submitted? 4 A. It was submitted -- IT eventually got the 5 form to process and created the accounts and set up 6 the level of access and level of permission. 7 Q. And was that Mr. Cline's group? 8 A. Yes, that would have been Mr. Cline's 9 group. 10 Q. Did the InfoSec group have any role with 11 respect to the setting of user privilege levels in 12 response to a SARF? 13 A. No, I don't recall that we had direct -- 14 a direct responsibility for, you know, adding that 15 content. What I can say is if there were -- if 16 there was an access that didn't meet the existing 17 roles that were defined, my team would have been 18 advised or consulted and said, you know, There's a 19 business justification for this, you know, could we 20 go ahead and document this access request. And 21 that's the extent of our involvement. 22 Q. Forgive me if I'm misremembering, but I 23 thought during my original examination of you I had 24 asked about when someone applies and then there'd be 25 permission levels set by an individual manager at</p> <p style="text-align: center;">337</p>	<p>1 uniform companywide or was there some variation? 2 A. I don't recall if there were a separate 3 process for that. 4 Q. Did some managers decide that some 5 employees would need more access than a manager in 6 another section might decide that an employee with 7 similar job duties might need? 8 MR. TURNER: Objection to form and 9 foundation. 10 A. The user access lists were already 11 predefined based on the user's role and job within 12 the organization. As I described earlier, if a 13 manager or individual requested additional levels of 14 access, that followed a very similar process where 15 the access would be reviewed, there was a business 16 justification, and once those were in place, then 17 the IT team would go ahead and, you know, create 18 that user privilege or user access. 19 BY MR. TODOR: 20 Q. You were asked some questions about the 21 e-mail from Mr. Krajcir in August of '18 and I 22 believe during your direct examination you were 23 asked questions with respect to his issue he raised 24 regarding full admin rights for users to have at 25 SolarWinds.</p> <p style="text-align: center;">339</p>
<p>1 SolarWinds. 2 Is that different from what you're 3 describing here with this SARF process? 4 A. Individual levels ascribed by the 5 manager? If I recall what we were talking about 6 previously, the hiring manager defined what roles 7 the new employee or their direct report needed 8 access to or, you know, what resources. 9 That determined what groups -- what user 10 access lists that new employee would be -- become a 11 member of. 12 Q. And then was that information sent to the 13 IT group for setting of the user privilege level or 14 nonprivilege level for that particular employee in 15 response to a SARF? 16 A. It would be sent to the IT to configure 17 the settings or add that account to the respective 18 groups that were already set in active directory. 19 Q. Did that process vary from group to group 20 within SolarWinds? 21 A. Could you describe -- I don't understand. 22 Q. From the 2018 to 2020 time frame, would 23 the process of a manager determining the privilege 24 level to be given to a given employee and sending it 25 to IT for them to set the privileges, was that</p> <p style="text-align: center;">338</p>	<p>1 Do you remember that testimony? 2 A. Yes. 3 Q. Were you concerned when Mr. Krajcir 4 raised that issue? 5 A. I don't recall during that time period 6 whether what he said raised to a level that would 7 warrant us to track it as a security incident. 8 Q. If you don't recall that time period, 9 whether what he said raised to a level that would 10 warrant you to track it as a security incident, why 11 did you go back to Mr. Brown in January of 2020 and 12 ask him to look at it again? 13 A. I was just doing my part. I was doing my 14 part to say, Hey, look, is it something that you 15 want me -- you want us to dig deeper in? And that's 16 really what the intent was. 17 Q. You were asked some questions about use 18 of active directory with respect to the password 19 policy during your direct. To your knowledge, was 20 there -- starting in the 2018 to 2020 time frame, 21 was there any audit done to see whether active 22 directory was being properly implemented at 23 SolarWinds? 24 MR. TURNER: Object to form. 25 A. I don't recall if there were any audits</p> <p style="text-align: center;">340</p>

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<p>1 or team, you know, triggered this alert and we would 2 dig in and find out the reason why. 3 Q. And when you say "we," what's that a 4 reference to? 5 A. That is a reference to the security team. 6 Q. Okay. And did that happen during the 7 2018 to '20 time frame? 8 A. Yes. 9 Q. And what was the purpose of having those 10 alerts in place? 11 A. So that we could detect any, you know, 12 triggers or issues that may arise -- 13 Q. More specifically, what was the purpose 14 of getting an alert about somebody getting more 15 privileges added to their account? 16 MR. TODOR: Objection, form. 17 A. So that we can -- 18 MR. TURNER: Leading. 19 A. So we could detect whether or not, you 20 know, the controls that were in place were 21 effective. 22 MR. TURNER: No further questions. 23 FURTHER EXAMINATION 24 BY MR. TODOR: 25 Q. Probably just have one more. You used</p> <p style="text-align: center;">345</p>	<p>1 REPORTER'S CERTIFICATION 2 I, Micheal A. Johnson, Registered Diplomat 3 Reporter and Notary Public in and for the State of 4 Texas, certify that on the 17th day of 5 September, 2024 I reported the Videotaped Deposition 6 of ERIC QUITUGUA, after the witness had first been 7 duly cautioned and sworn to testify under oath; said 8 deposition was subsequently transcribed by me and 9 under my supervision and contains a full, true and 10 complete transcription of the proceedings had at 11 said time and place; and that reading and signing 12 was not requested. 13 I further certify that I am neither counsel 14 for nor related to any party in this cause and am 15 not financially interested in its outcome. 16 GIVEN UNDER MY HAND AND SEAL of office on 17 this 23rd day of September, 2024. 18 19 20 MICHEAL A. JOHNSON, RDR, CRR 21 NCRA Registered Diplomat Reporter 22 NCRA Certified Realtime Reporter 23 24 Notary Public in and for the 25 State of Texas My Commission Expires: 8/8/2028</p> <p style="text-align: center;">347</p>
<p>1 the term "user access reviews." Who would do those 2 at SolarWinds? 3 A. I do know that it wasn't primarily done 4 by the security team. It was done by somebody in 5 Brad Cline's organization. 6 Q. Do you know why they would do those? 7 A. They would do it to review, again, like I 8 described earlier, whether or not the access that 9 was granted was still legitimate. 10 MR. TODOR: I have no further 11 questions. 12 MR. TURNER: Okay. Thanks. No 13 further questions from me. 14 THE VIDEOGRAPHER: This concludes 15 today's testimony of Eric Quitugua. Going off the 16 record. Time is 7:16. 17 (Deposition concluded at 7:16 p.m.) 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">346</p>	